



Combined Declaration and Power of Attorney for Patent Application

Docket Number:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Novel Methods of Diagnosing Breast Cancer, Compositions, and Methods of Screening for Breast Cancer Modulators, the specification of which is attached hereto unless the following box is checked:

was filed on August 18, 2000 ;
as United States Application Number or PCT International Application Number 09/642,034 ; and
was amended on May 10, 2002 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority Claimed	
<input type="checkbox"/> Yes <input type="checkbox"/> No		
(Application No.)	(Country)	(Day/Month/Year Filed)
		<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application No.)	(Filing Date)
(Application No.)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>PCT/US00/06952</u> (Application No.)	<u>March 15, 2000</u> (Filing Date)	<u>Published</u> (Status - patented, pending, abandoned)
<u>09/525,361</u> (Application No.)	<u>March 15, 2000</u> (Filing Date)	<u>Abandoned</u> (Status - patented, pending, abandoned)
<u>09/453,137</u> (Application No.)	<u>December 2, 1999</u> (Filing Date)	<u>Pending</u> (Status - patented, pending, abandoned)
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<u>09/268,865</u> (Application No.)	<u>March 15, 1999</u> (Filing Date)	<u>Abandoned</u> (Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jason C. Abair, Reg. No. 44,007
Ethan B. Andelman, Reg. No. 48,997
Michael J. Bell, Reg. No. 39,604
Andrew S. Brenc, Reg. No. 45,534
Sean D. Burdick, Reg. No. 51,513
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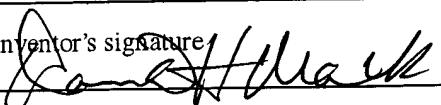
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Menlo Park, CA 94025
Facsimile: (650) 463-8400

Direct Telephone Calls to: (650) 463-8109

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor David H. MACK	
Inventor's signature 	Date 6/5/03
Residence 2076 Monterey Avenue, Menlo Park, California 94025	
Citizenship US	
Post Office Address 2076 Monterey Avenue, Menlo Park, California 94025	
Full name of second inventor Kurt C. GISH	
Second inventor's signature	Date
Residence 40 Perego Terrace, #2, San Francisco, California 94131	
Citizenship US	
Mailing Address 40 Perego Terrace, #2, San Francisco, California 94131	

(Supply similar information and signature for subsequent joint inventors, if any)



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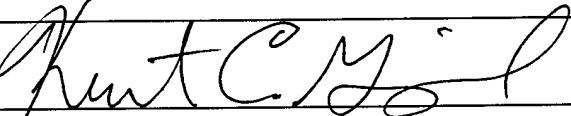
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Inventor's signature	Date
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Citizenship US	
Post Office Address 2076 Monterey Avenue, Menlo Park, California 94025	
Full name of second inventor Kurt C. GISH	
Second inventor's signature 	Date 5/30/03
Residence 40 Pergo Terrace, #2, San Francisco, California 94131	37 ARTUNA AVE, PIEDMONT, CA 94611
Citizenship US	
Mailing Address 40 Pergo Terrace, #2, San Francisco, California 94131	K.G. 37 ARTUNA AVE, PIEDMONT, CA 94611

(Supply similar information and signature for subsequent joint inventors, if any)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David MACK, et al.

Serial No. 09/642,034

Filed: August 18, 2000

For: METHODS OF DIAGNOSING BREAST CANCER (AS AMENDED) Confirmation No.: 6513

Examiner: Johaunsen, D.

Group Art Unit: 1634

**Revocation of Prior Power of Attorney,
Appointment of New Attorneys of Record and
Change of Correspondence Address**

Commissioner for Patents
Alexandria, VA 22313

Sir:

EOS Biotechnology, Inc. is the assignee of the entire right, title and interest in the above-identified application by virtue of the attached assignment, recorded August 18, 2000 at the U.S. Patent and Trademark Office at Reel 011055, Frame 0264. The undersigned, having express authority to represent EOS Biotechnology, Inc., hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints the attorneys listed below with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

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FOR: EOS BIOTECHNOLOGY, INC.

SIGNATURE: John A. Bendrick

BY: John A. Bendrick

TITLE: DIRECTOR of INTELLECTUAL PROPERTY

DATE: JULY 2, 2003